

Appl. No. 10/718,483  
LP5265 US NA  
Reply to Office Action of August 10, 2005

### **REMARKS/ARGUMENTS**

Claims 1-9 are pending in the Application. Claims 1-9 stand rejected. Claims 5 and 7 have been cancelled.

Applicant respectfully requests reconsideration of the present Application in light of the claim amendments and the following remarks.

### **Rejections under 35 U.S.C. 103(a)**

Applicant respectfully traverses the rejection of claims 1-4, 6, 8, and 9 under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent P2000-350665 (the '665 patent).

The Examiner notes that the '665 patent does not teach the range of bicomponent yarns by weight with respect to the warp yarns as recited in claims 1 and 2 of the present application. The Examiner also notes that the '665 patent does not teach the after-heat-set crimp contraction value range recited in claim 1 of the present application.

Applicant respectfully maintains that the percentage of bicomponent yarns by weight of the warp yarns is not a variable that one of ordinary skill in the art at the time of the invention could have determined through routine experimentation. Applicant notes that the claimed invention can provide warp-stretch fabrics with unexpectedly high stretch and recovery properties despite comprising low levels of certain polyester bicomponent yarns (page 1, lines 32-35). The '665 patent fails to teach or suggest this method in a way that is enabling.

The Examiner asserts that the after-heat-set crimp contraction value range recited in claim 1 is a measured property of the resulting fabric and argues that the fabric

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of the '665 patent would have the same after-heat-set crimp contraction value range of the fabric of claim 1 of the present application. Applicant respectfully traverses.

After-heat-set crimp contraction values are a property of the bicomponent yarns, not the fabric (see page 1 lines 28-29, page 3 lines 1-4, and the method for determining after-heat-set crimp contraction values given on pages 4-5 beginning at line 14 of the present application). After-heat-set crimp contraction values, like many other properties of bicomponent fibers, are highly dependent on the polymer properties and characteristics and the process used to produce the fiber. The '665 patent fails to recognize this result-effective variable and makes no suggestion as to whether, or how, one of ordinary skill might manipulate such a variable to arrive at the Applicant's claimed invention. One skilled in the art would have no basis for assuming that the after-heat-set crimp contraction values for the bicomponent yarn of the '665 patent would necessarily be the same of those of the yarns of the present application.

Claims 5 and 7 have been cancelled, rendering moot their rejection under 35 U.S.C. 103(a) as being unpatentable over JP2000-350665 and in view of US 6,705,353.

For at least the reasons stated above, claims 1-4, 6, 8, and 9 are believed to be in condition for allowance. Accordingly, Applicants respectfully request that the Application be allowed and passed to issue.

The Applicant would like to thank the Examiner for the attention and consideration accorded the present Application. Should the Examiner determine that any further action is necessary to place the Application in condition for allowance, the Examiner is encouraged to contact the undersigned by telephone. It is not believed that any fees for extensions of time or the like are required beyond those that are otherwise indicated in the documents accompanying this paper. However, if such additional fees

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are required, please charge or credit the balance to Deposit Account 50-3223 (Invista North America S. à r. l.).

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Respectfully submitted,

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